

12.01.2023

Pr: Sh. Rohit Sain, proxy counsel for the plaintiff with Ms. Uma wife of plaintiff/now deceased
Sh. Deepak Arora, counsel for defendant.

It is submitted by proxy counsel for plaintiff that plaintiff has expired on 17.11.2022. Ld. Counsel for plaintiff has also filed an application under Order XXII Rule 3 read with section 151 of CPC to implead L.Rs of the plaintiff/deceased, on record, alongwith his death certificate. Copy supplied to the other side.

ORDER ON APPLICTION UNDER ORDER XXII RULE 3 READ WITH SECTION 151 CPC:

Ld. Counsel for plaintiff/deceased submitted that plaintiff Raju passed away on 17.11.2022 and left behind L.Rs namely Smt. Uma (wife), Sh. Vineet and Sh. Vikas (both sons) and Smt. Neha (daughter). It is also submitted by Ld. Counsel for plaintiff/deceased that this is suit for possession, declaration and permanent injunction against the .defendants and in this suit rights to sue survives with the L.Rs of plaintiff/defendant.

Ld. Counsel for the defendant submits that he has no objection if the above application to implead L.Rs of plaintiff/deceased is allowed. Ld. Counsel for defendant submits that alongwith the present application affidavit on behalf of other LR's is not filed.

Arguments heard. Record perused and considered.

In view of above, as well as the facts and circumstances of the present case, present application is allowed and the name of all the four L.Rs namely Smt. Uma, Sh. Vineet, Sh.Vikas and Ms. Neha, of deceased/plaintiff Raju, are impleaded as a party to the suit. ***Accordingly application for bringing on record L.Rs of plaintiff/deceased is allowed.*** Amended memo of parties be filed.

Put up for PE on 24.03.2023.

Rajesh Kumar
ADJ-03(East)
KKD Courts-12.01.2023